



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

10 UNITED STATES OF AMERICA, ) No. CR 05-00077 JW  
11 Plaintiff, ) **[PROPOSED] ORDER CONTINUING**  
12 v. ) **HEARING AND EXCLUDING TIME**  
13 MICHAEL BARRETT, )  
14 Defendant. )  
15 \_\_\_\_\_

16 The parties have stipulated to continue the hearing date on the defendant's pending  
17 motion on grounds that defense counsel is not available on September 12, 2005. The parties  
18 request that the hearing be continued to September 19, 2005, at 1:30 p.m.

19 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date on the  
20 defendant's motion is continued to September 19, 2005.

21 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time  
22 from September 12, 2005 to September 19, 2005, be excluded from the period of time within  
23 which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

24 IT IS SO ORDERED.

25 Dated: August 26, 2005

/s/ James Ware

JAMES WARE

United States District Judge